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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,310	03/30/2004	Hitoshi Kuratomi	JP920030054US1	3638
53493	7590	11/10/2005	EXAMINER	
LENOVO (SINGAPORE) PTE. LTD. BUILDING 675, MAIL C-137 4401 SILICON DRIVE DURHAM, NC 27709			EDWARDS, ANTHONY Q	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/813,310	Applicant(s) KURATOMI ET AL.	
	Examiner Anthony Q. Edwards	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005 and 10 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 1-6 and 10-12 are objected to because of the following informalities:

Applicant's amendment to the claims, filed August 8, 2005, recite the narrower limitation of a "fixed pivot" and the broader limitation of a "pivot." Applicant's claim language must be consistent (i.e., the term "fixed pivot" must be recited throughout the claim(s).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The term "sufficient" in claim 1 is a relative term which renders the claim indefinite. The term "sufficient" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. See MPEP § 2173.05(b). Claims 2-6 depend, either directly or indirectly, from claim 1 and are rejected for at least the same reasons.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,367,748 to Solomon et al. ("Solomon" hereinafter). Referring to claim 1, as best understood by the Examiner, Solomon discloses a device (400), see Fig. 4, comprising a pivot member (410) which supports the device on a placement plane (200), see Fig. 2, when the device is placed on the plane, wherein, when the device is tilted by lifting its predetermined end (i.e., the end nearest handle 430), the pivot member (410) acts as a pivot which offers "sufficient resistance" to displacement along the placement plane at a pivot point where the pivot member comes into contact with the placement plane (i.e., the weight of the device and pivot member alone offer some degree of resistance or "sufficient resistance") to allow the orientation of the device to be changed about the pivot point. See col. 6, lines 2-13. Although a fixed pivot is not taught in the embodiment described in Fig. 4, Solomon does teach providing means for locking a pivot member (880) in a fixed position with a locking mechanism (870). See Fig. 8 and col. 7, lines 53-57.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the embodiment of Solomon shown in Fig. 2 to provide a fixed pivot member, as indicated in the embodiment of Fig. 8 of Solomon, since the fixed pivot member would ensure that the device would not slide uncontrollable while the same is moved about the surface.

Referring to claim 2, Solomon, as modified, discloses the device as claimed, wherein three or more pads (420) support the device on the placement plane when the device is placed thereon (see Fig. 4 and the corresponding specification).

Referring to claim 3, Solomon, as best understood by the Examiner, discloses the pivot device as claimed (see col. 6, lines 16-19).

Referring to claim 4, Solomon, as best understood by the Examiner, discloses a pivot device (410) as claimed. See Fig. 4, which shows the pivot member integrally formed at the base. Likewise, Solomon teaches in col. 1, lines 65-67 that the device can be provided as OEM, as opposed to a kit or add-on feature.

Referring to claim 6, Solomon, as best understood by the Examiner, discloses a pivot device as claimed (see Fig. 4 and the corresponding specification).

Referring to claims 7 and 10, respectively, Solomon as modified discloses the invention as claimed, wherein the apparatus includes (1) a pivot or (2) a fixed pivot (see Figs. 3C, 4 and 8). Solomon also discloses the pivot or fixed pivot provided on a portable computer (i.e., an apparatus having a keyboard on its top and having various connectors on its back face, and a lid portion having a display, the lid portion provided to a body via a hinge so as to open and close with the display face side of the display facing a keyboard). See col. 3, lines 47-49.

Referring to claims 8 and 11, Solomon as modified discloses the apparatus as claimed, wherein two pivot members (410) are provided in right and left positions apart from each other, respectively, and the right pivot member inherently acts as a pivot when the front left end of the body is lifted and the left pivot member inherently acts as the pivot when the front right end of the body is lifted. See Fig. 4 and col. 6, lines 16-19.

Referring to claims 9 and 12, Solomon as modified discloses an apparatus as claimed. See Fig. 4 and col. 6, lines 2-13.

Claim 5, as best understood by the Examiner, is rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon in view of U.S. Patent Application Publication No. US200/0123421 to Bushey. Solomon, as modified, discloses the device as substantially claimed, including an interstitial member (i.e., TEFLON) provided on the portion of the pivot member that comes into contact with the placement plane. See col. 5, lines 35-39. Solomon does not, however, teach providing a cover member on the pivot device. Bushey teaches providing a cover member (62) for moving furniture (see Figs. 12 and 13) on a pivot device (60).

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the device of Solomon to include a cover member on the pivot device, as taught by Bushey, since the device of Bushey would provide the pivot apparatus of Solomon with pivoting and sliding movement without the use of expensive and hard to maintain rolling casters.

### ***Response to Arguments***

Applicant's arguments filed August 8 and 10, 2005, respectively, have been fully considered but they are not persuasive. As indicated in the above rejection, Solomon does indeed teach providing means for a "fixed pivot" as well as a "non-fixed" pivot.

Referring to applicant's arguments regarding claim 4, as indicated above, Solomon teaches the pivot formed integrally to the device.

Referring to applicant's arguments regarding claims 7-9, as indicated above, Solomon teaches the use of the pivot member for "portable computers" and "desktop

computers.” As such, the Examiner does not need to further modify Solomon in order to meet the claim limitations.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 571-272-2042. The examiner can normally be reached on M-F (7:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2835

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 9, 2005  
aqe

**MICHAEL DATSKOVSKIY**  
**PRIMARY EXAMINER**

*Michael Datskovskiy*  
11/09/05